

# SR Response Places, People and Planning Position Statement June 2017

[Scottish Renewables responded](#) to the initial consultation on ‘Places, people and planning – a consultation on the future of the Scottish planning system’ in April this year.

Our response highlighted the need to create a fair and robust planning system to ensure that well-sited, responsibly developed projects continue to contribute towards sustainable growth, along with our energy and climate change targets. We were therefore concerned to see that many of the proposals within the ‘Places, People and Planning’ consultation do not align with those contained in the Scottish Government’s draft Climate Change Plan, Energy Strategy, Onshore Wind Policy Statement and heat consultations, which have recently closed. These consultations refer to a number of planning changes that are not referenced as part of this wider review. For example, the consultation on heat regulation proposes establishing district heating zones which will need to be considered alongside local plan policies.

We are concerned that this Position Statement has also not taken cognisance of this and that some of the proposals continue to present a significant risk to the low carbon energy sector and delivery of the Scottish Government’s climate change and energy targets.

We understand that the Statement explicitly states that there is no need to restate views already expressed in relation to the Places, People and Planning consultation. However, as our previous concerns have not been addressed, we believe it is necessary and appropriate to reiterate them here.

## **Regional partnership working**

While we welcome plans to remove the current requirement for strategic development plans to be prepared, we are concerned with the proposed alternative arrangements. There is very little detail on how the Scottish Government will ensure LDPs and/or regional plans are aligned with national policies and the diagram (on page 4) of proposed interactions, confuses the situation further rather than providing clarity.

## **Stronger local development plans**

We support the proposal to remove supplementary guidance from the development plan in order to remove complexity. However, we remain concerned with the lack of detail as to the materiality of any alternative guidance and welcome further information on this.

We agree with proposals to bring in an earlier gate-check to help ensure alignment with wider government policies, including SPP and NPF, which is essential. However, the suggested matters for gate-check include “proposed departures from national policy on the basis of local circumstances” (page 6). Further information is required on the circumstances in which such departures could be appropriate, and the evidence which the planning authority would require to provide as sufficient justification for a departure.

## **Giving people an opportunity to plan their own place**

As set out in our original response, we remain concerned about proposals to introduce local place plans.

Community engagement is an important aspect of the development process and sharing advice and knowledge of real experiences is an excellent way of improving practice across Scotland. We are supportive of communities being involved in the planning system and inputting into proposals for their local area. However, we are concerned that communities may not have the resources, skills and knowledge to prepare local place plans which can be translated into viable development options.

As highlighted by the independent review, the experience of neighbourhood planning in England and Wales, created under the Localism Act 2011, has been mixed. More than half of the draft plans published for consultation (55%) have been described as having ‘protectionist’ agendas and being openly anti-

development<sup>1</sup>. We are concerned that the local place plan proposals will develop in a similar fashion causing unnecessary delay and act as an inappropriate barrier to development.

### **Improving Public Trust**

We do not support the changes proposed for pre application consultation procedures. In the renewables industry, pre-application consultation with communities is standard practice as it is in the developer's best interests to ensure that communities are engaged at the earliest possible opportunity of a forthcoming development. We therefore suggest that planning advice would be more appropriate in ensuring that the opportunities to engage are innovative and purposeful.

As set out in our response to the original consultation, we do not support the proposal to remove the opportunity to submit a revised or repeat application at no cost if an application is refused, withdrawn or if an appeal is dismissed. This proposal should be looked at again in the context of plans to increase planning fees and the potential consequences, particularly the financial implications for smaller developers. Other potential unintended consequences do not appear to have been considered. For example, developers may become more reluctant to withdraw applications and resubmit amended designs, and the overall number of appeals may increase.

### **Keeping decision local – rights of appeal**

We agree with plans in this section regarding:

- Not introducing third party rights of appeal
- Not pursuing the proposal for ministers to take decisions more frequently than reporters
- Not introducing fees for lodging either reviews or appeals
- Recognition that there would be merit in reviewing the effectiveness of local review bodies

However, we still believe that the hierarchy of development should be reviewed with EIA development being deemed 'major'.

### **Innovative infrastructure planning**

We strongly agree with proposals to retain Section 3F of the Town and Country Planning (Scotland) Act 1997, as introduced by Section 72 of the Climate Change (Scotland) Act 2009.

### **Making better use of resources: efficient decision making**

We welcome proposals to broaden the scope for permitted developments, particularly for low-carbon developments.

### **Creating a fairer and more transparent approach to funding infrastructure**

We welcome the proposal to retain the section 75A provisions for modifying planning obligations.

We remain concerned with proposals to introduce an infrastructure levy. The need for the levy appears to be primarily related to housing and does not necessarily correlate with renewable energy developments. The introduction of a levy could significantly increase costs for renewable energy developments which would be extremely damaging at a time when the industry is striving to cut costs. As detailed in the earlier consultation document, this builds upon the Community Infrastructure Levy (CIL) which operates in England and Wales. Accordingly, the buildings and structures used in electricity generation and networks, should fall outside the scope of the Levy, as happens in England and Wales under the CIL.

### **Conclusion**

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<sup>1</sup> [http://www.turley.co.uk/sites/default/files/uploads/news/Turley\\_%20Neighbourhood%20Planning\\_March\\_2014.pdf](http://www.turley.co.uk/sites/default/files/uploads/news/Turley_%20Neighbourhood%20Planning_March_2014.pdf)  
www.scottishrenewables.com

While we have a number of concerns with individual proposals within this position statement, our main concern remains the lack of reference to climate change and energy targets and the resulting disconnect with related Scottish Government plans and policies in these areas. Without further work to bring more consistency to these policy areas there is a significant risk of unintended consequences for renewable energy developments.

We would welcome the opportunity to meet with representatives from the Scottish Government's energy and planning teams to discuss the issues raised in this response.